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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,961	07/11/2003	Yuji Sakamoto	8014-1065	2130

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EXAMINER

AHN, SANGWOO

ART UNIT PAPER NUMBER

2166

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/616,961	Applicant(s) SAKAMOTO, YUJI	
	Examiner Sangwoo Ahn	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites "program information" and "particular program information" as different elements/parts within the claimed invention. However, these limitations render the claim indefinite since they are not clearly distinguishable. The examiner respectfully suggests the applicant to further clarify what exactly "program information" and "particular program information" are, and how they are different from each other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Publication Number 2003/0028796 issued to Dale T. Roberts et al (hereinafter

"Roberts") in view of Japanese Patent Number JP02001189048A issued to Yoshiaki Miyazaki (hereinafter "Miyazaki").

As per claim 1, Roberts discloses,

An information reproducing and recording apparatus comprising:

a reproducing unit which reproduces program information recorded on a first recording medium (par 22: 9 – 13, par 34: 1 – 4);

a recording unit which records program information onto a second recording medium (Figure 1: 100, par 34: 1 – 4); and

a controller which controls both of the reproducing unit and the recording unit (Figure 1: 100 and 110, par 34),

wherein the controller comprise:

an information recording determining device which compares management information corresponding to the program information recorded on the first recording medium and management information corresponding to the program information recorded on the second recording medium, and determines whether or not the management information on the first recording medium is present on the second recording medium (Figure 4A – 4B, par 16, 19, 22 – 23, 34);

an attribute information acquiring device which acquires attribute information in relation to the program information in cases where it is determined that the management information on the first recording medium is not present on the second recording medium (par 77 – 79: if comparison using unique ID derived from the TOC of the CD returns no match, text-based identification is tried);

an attribute information recording determining device which determines, by referring a database having history information including attribute information in relation to the program information recorded on the second recording medium, whether or not the acquired attribute information is present in the database (Figure 4A and 4C, par 22 – 23, 45 – 46, 79, 82); and

Roberts does not explicitly disclose,

an information recording controlling device which controls, in cases where it is determined that the attribute information is not present on the database, both the reproducing unit and the recording unit in order to record the program information recorded on the first recording medium onto the second recording medium (Figure 1, 4C, par 18, 77 – 82, 88).

However, Miyazaki discloses,

an information recording controlling device which controls, in cases where it is determined that the attribute information is not present on the database, both the reproducing unit and the recording unit in order to record the program information recorded on the first recording medium onto the second recording medium (abstract: solution, par 9) (Machine-translated version of Miyazaki's patent is used as the reference. A copy could be obtained from <http://www19.ipdl.ncipi.go.jp/PA1/cgi-bin/PA1INIT?1021490466346>).

At the time of the present invention, it would have been obvious to a person of ordinary skill in the data processing art to combine the two references because

Miyazaki's method of preventing a double copy would have enabled Roberts' recording recognition system to save HDD space.

As per claim 2, Miyazaki discloses,
the information recording controlling device, in cases where it is determined that the attribute information is not present on the database, controls so that the program information recorded on the first recording medium is recorded on the second recording and stores the attribute information in relation to the program information recorded on the second recording medium onto the database as history information (abstract: solution, par 9).

As per claim 3, Roberts discloses,
the attribute information acquiring device acquires the attribute information, in cases where it is determined that it is possible to acquire the attribute information (Figure 4A and 4C, par 22 – 23, 45 – 46, 77 – 79, 82), and

Miyazaki discloses,
wherein the information recording controlling device controls both of the reproducing unit and the recoding unit so that the program information recorded on the first recording medium is recorded on the second recording medium (abstract: solution, par 9).

As per claim 4, Roberts discloses,
the attribute information includes a plurality of types of information in relation to the program information (Figure 4A, paragraph 86),

the attribute information recording determining device determines, by referring the database, whether or not, of the plurality of types of information included in the acquired attribute information, either a predetermined one type of information or a combination of the two or more types of information is present in the database (Figure 4A and 4C, par 22 – 23, 45 – 46, 79, 82).

Miyazaki discloses,

the information recording controlling device controls both of the reproducing unit and the recoding unit so that the program information recorded on the first recording medium is recorded on the second recording medium, in cases where it is determined that either the predetermined one type of information or the combination of the two or more types of information is not present in the database (abstract: solution, par 9).

As per claim 5, Roberts discloses,

the first recording medium has a plurality of program information (par 22: 9 – 13, par 34: 1 – 4), and

the information recording controlling device, in controlling both of the reproducing unit and the recording unit so that, of the plurality of types of program information recorded on the first recording medium, mutually relates the program information and particular program information of the plurality of types of program information (Figure 3, 4B – 4C, par 22 – 23, 45 – 46, 79, 82)

Miyazaki discloses,

program information of which attribute information is determined not to be present in the database is recorded on the second recording medium, the particular

program information having already been recorded on the second recording medium (abstract, par 9).

As per claim 6, Roberts discloses,

A method of reproducing program information recorded on a first recoding medium and recording program information onto a second recording medium, comprising the processes of:

comparing management information corresponding to the program information recorded on the first recording medium and management information corresponding to the program information recorded on the second recording medium, and determining whether or not the management information on the first recording medium is present on the second recording medium (Figure 4A – 4B, par 16, 19, 22 – 23, 34);

acquiring attribute information in relation to the program information in cases where it is determined that the management information on the first recording medium is not present on the second recording medium (par 77 – 79: if comparison using unique ID derived from the TOC of the CD returns no match, text-based identification is tried);

determining, by referring a database having history information including attribute information in relation to the program information recorded on the second recording medium, whether or not the acquired attribute information is present in the database (Figure 4A and 4C, par 22 – 23, 45 – 46, 79, 82).

Roberts does not explicitly disclose,

recording the program information recorded on the first recording medium onto the second recording medium, in cases where it is determined that the attribute information is not present on the database (Figure 1, 4C, par 18, 77 – 82, 88).

However, Miyazaki discloses

recording the program information recorded on the first recording medium onto the second recording medium, in cases where it is determined that the attribute information is not present on the database (abstract: solution, par 9).

At the time of the present invention, it would have been obvious to a person of ordinary skill in the data processing art to combine the two references because Miyazaki's method of preventing a double copy would have enabled Roberts' recording recognition system to save HDD space.

Claim 7 is essentially the same as claim 6 except it sets forth the limitation as "an information recorded medium" rather than "a method of reproducing and recording program information" and is rejected for the same reason discussed in claim 6 rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Publication Number 2003/0135770 issued to Kulvir Singh Bhogal et al discloses recording at least a portion of audio data from an optical disk onto a hard disk, recording in an index database a title of the optical disk and a title of the track written to

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the hard disk, and playing the data from the hard disk without re-reading the optical disk if the data has been previously written to the hard disk.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sangwoo Ahn whose telephone number is (571) 272-5626. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sangwoo Ahn
Patent Examiner
AU 2166

1/03/2006 SW


**MOHAMMAD ALI
PRIMARY EXAMINER**